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Attorneys for Defendants
CITY AND COUNTY OF HONOLULU,
HONOLULU POLICE DEPARTMENT,
and LOUIS KEALOHA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

CHRISTOPHER BAKER,

Plaintiff,

vs.

LOUIS KEALOHA, as an individual and
in his official capacity as Honolulu Chief
of Police; STATE OF HAWAII; CITY
AND COUNTY OF HONOLULU;
HONOLULU POLICE DEPARTMENT;
NEIL ABERCROMBIE, in his official
capacity as Hawaii Governor

Defendants.

) CIVIL NO. CV11-00528 ACK/KSC
)
) CITY DEFENDANTS' ANSWERS
) TO PLAINTIFF CHRISTOPHER
) BAKER'S FIRST SET OF
) INTERROGATORIES DATED
) OCTOBER 24, 2011; CERTIFICATE
) OF SERVICE

CITY DEFENDANTS' ANSWERS TO PLAINTIFF CHRISTOPHER BAKER'S
FIRST SET OF INTERROGATORIES DATED OCTOBER 24, 2011

Defendants LOUIS KEALOHA, CITY AND COUNTY OF HONOLULU and the HONOLULU POLICE DEPARTMENT (collectively hereinafter "City Defendants") by and through their counsel, Robert Carson Godbey, Corporation Counsel, and Curtis E. Sherwood, Deputy Corporation Counsel, hereby provides the following answers to Plaintiff CHRISTOPHER BAKER's (hereinafter "Plaintiff") Interrogatories dated October 24, 2011:

GENERAL OBJECTIONS

1. City Defendants object to Plaintiffs' Interrogatories dated October 24, 2011 to the extent they seek information protected by the attorney-client privilege, the work product doctrine and any other applicable privilege, and no such information will be provided. By responding to the Interrogatories, City Defendants do not waive, intentionally or otherwise, their attorney-client privilege, work product doctrine protection, or any other privilege or doctrine protecting their communications, transactions or records from disclosure, and, therefore, provision of information inconsistent with the foregoing is wholly by mistake and not a waiver of any such privilege or protection.

2. City Defendants object to Plaintiff's definitions and instructions to the extent they attempt to impose obligations which exceed the requirements of the Federal Rules of Civil Procedure and other applicable law.

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3. These responses to the Interrogatories are made with the intention to preserve:

a. All objections of City Defendants as to competency, relevancy, materiality and admissibility of the responses to the Interrogatories or the subject matter thereof.

b. All rights of City Defendants to object on any grounds to the use of any said responses, or the subject matter thereof, in any subsequent proceedings, including the trial of this or any other action; and

c. All rights of City Defendants to object on any grounds to any requests for further responses to these or any other Interrogatories, or any other discovery requests involving or related to the subject matter of these Interrogatories.

4. City Defendants object to each of the Instructions, Definitions and Interrogatories to the extent that any or all of them purport to request information outside the possession, custody or control of City Defendants on the grounds that they are overly broad and unduly burdensome.

5. City Defendants preserve all objections earlier made to these Interrogatories and incorporate herein in full all earlier objections. Any efforts by City Defendants to later supplement any interrogatory responses are not intended to, and will not be construed as to create any duties of supplementation beyond those required by the Federal Rules of Civil Procedure, Rule 26(e).

6. Each of the specific responses set forth below is subject to and incorporates these general objections.

Without waiving said objections, City Defendants responds to Plaintiff's Interrogatories dated October 24, 2011 as follows:

OBJECTING ATTORNEY'S SIGNATURE PURSUANT TO
RULE 33(b)(2) OF THE HAWAII RULES OF CIVIL PROCEDURES

City Defendants by and through his counsel, Robert Carson Godbey, Corporation Counsel, and Curtis E. Sherwood, Deputy Corporation Counsel, hereby object to certain of these interrogatory requests propounded herein, having stated the basis for the objection after each such request.

DATED: Honolulu, Hawaii, December 15, 2011.

ROBERT CARSON GODBEY
Corporation Counsel

By: 
Curtis E. Sherwood
Deputy Corporation Counsel

Attorney for Defendants
CITY AND COUNTY OF HONOLULU,
HONOLULU POLICE DEPARTMENT,
and LOUIS KEALOHA

RESPONSES TO INTERROGATORIES

1. Please state your full name, home address (and all addresses for the last five (5) years, social security number, date of birth, marital status and your employer's name and address.

Objection: City Defendants object to this request on the basis that it seeks to violate this individual's rights to privacy guaranteed by Art. I, Sec.7 of the Hawaii State Constitution as well as the Ninth Amendment to the U.S. Constitution. It is also compound as well as vague and ambiguous in its use of the terms "involved in any way" and "review".

Without waiving said objections, and subject to them, City Defendants respond as follows:

Answer:

Daniel Paperd
Sergeant, Honolulu Police Department
801 South Beretania Street, Honolulu, HI 96813

2. Please state how many applications for Concealed Carry of a Firearm were received in 2010 by the City and County of Hawaii, Honolulu Police Department, and/or Chief Kealoha, and of those applications: how many were issued concealed weapons permit; how many were denied and of reason for the denials.

Objection: City Defendants object to this request on the basis that it is compound.

Without waiving said objections, and subject to them, City Defendants respond as follows:

Answer:

The Honolulu Police Department/Firearms Unit processed five (5) Conceal Carry License Applications in 2010. All were denied. The reason for the denials was insufficient justification.

3. Please identify all entities (including individuals) who participate, in any capacity, in the decision making process that follows an application for a concealed weapons permit.

Objection: City Defendants object to this request on the basis that it is vague with respect to the term "entities" and the phrase "participate... in the decision making process".

Without waiving said objections, and subject to them, City Defendants respond as follows:

Answer:

The Chief of Police makes the decision on a Conceal Carry Permit.

4. Please state the standard of review and/or factors considered used to determine whether a person's Concealed Carry application shows an exceptional case or that the applicant has otherwise shown that theirs is an "exceptional case."

Objection: City Defendants object to this request on the basis that it is vague and ambiguous. It also calls for a legal conclusion.

Without waiving said objections, and subject to them, City Defendants respond as follows:

Answer:

The standard of review is set forth in H.R.S. § 134-9.

5. If the decision to deny Mr. Baker's application deviated from the procedure(s) employed deciding all other applications, please identify those deviations. If the decision in Mr. Baker's case was made did not deviate from the procedure(s) employed in deciding all other applications, please so state.

Objection: City Defendants object to this request on the basis that it is vague and ambiguous with respect to the term "all other applications."

Without waiving said objections, and subject to them, City Defendants respond as follows:

Answer:

The decision did not deviate from the procedures employed in deciding all other applications.

DATED: Honolulu, Hawai'i, December 15, 2011.

ROBERT CARSON GODBEY
Corporation Counsel

By: 

CURTIS E. SHERWOOD
Deputy Corporation Counsel

Attorney for Defendants
CITY AND COUNTY OF HONOLULU,
HONOLULU POLICE DEPARTMENT,
and LOUIS KEALOHA

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

CHRISTOPHER BAKER,) CIVIL NO. CV11-00528 ACK/KSC
)
Plaintiff,	) CERTIFICATE OF SERVICE
)
vs.	) (RE: CITY DEFENDANTS' INITIAL
	) DISCLOSURES, CITY
LOUIS KEALOHA, as an individual and	) DEFENDANTS' RESPONSES TO
in his official capacity as Honolulu Chief	) PLAINTIFF CHRISTOPHER
of Police; STATE OF HAWAI'I; CITY	) BAKER'S INTERROGATORIES,
AND COUNTY OF HONOLULU;	) CITY DEFENDANTS' RESPONSES
HONOLULU POLICE DEPARTMENT;	) TO PLAINTIFF CHRISTOPHER
NEIL ABERCROMBIE, in his official	) BAKER'S REQUEST FOR
capacity as Hawaii Governor	) ADMISSIONS, AND CITY
	) DEFENDANTS' RESPONSES TO
Defendants.	) PLAINTIFF CHRISTOPHER
	) BAKER'S REQUEST FOR
	) PRODUCTION OF DOCUMENTS)

CERTIFICATE OF SERVICE

I hereby certify that, on December 15, 2011, and by the methods of service noted below, a true and correct copy of the following documents:

- City Defendants' Rule 26(A)(1) Initial Disclosures
- City Defendants' Answers to Plaintiff Christopher Baker's First Set of Interrogatories dated October 24, 2011 (2 COPIES)
- City Defendants' Response to Plaintiff Christopher Baker's First Request for Admissions dated October 24, 2011 (2 COPIES)
- City Defendants' Response to Plaintiff Christopher Baker's First Request for Production of Documents dated October 24, 2011; [Documents Bate-Stamped Nos. C00001-C00039]

were served on the following at their last known addresses as shown below:

Richard L. Holcomb, Esq. via U.S. Mail
Holcomb Law, a Limited Liability Law Corp.
677 Ala Moana Boulevard, Suite 614
Honolulu, Hawai'i 96813

Kendall J. Moser, Deputy Attorneys General via U.S. Mail
Department of the Attorney General
State of Hawai'i
425 Queen Street
Honolulu, Hawai'i 96813

DATED: Honolulu, Hawai'i, December 15, 2011.

ROBERT CARSON GODBEY
Corporation Counsel

By: /s/ Curtis E. Sherwood
CURTIS E. SHERWOOD
Deputy Corporation Counsel

Attorney for Defendants
CITY AND COUNTY OF HONOLULU,
HONOLULU POLICE DEPARTMENT,
and LOUIS KEALOHA